

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

CHRISTINE CLARK,

Plaintiff,

CIVIL ACTION NO.

6:14-cv-04313-BHH-JDA

VS.

BRIAN K. BRIDGES, et al.,

Defendant.

DEPOSITION OF: ROBERT WILKIE

DATE: July 31, 2015

TIME: 1:30 p.m.

LOCATION: Chapman, Harter & Harter P.A.
14 Lavinia Avenue
Greenville, SC

TAKEN BY: Counsel for Plaintiff

REPORTED BY: KENNETH McCLURE,
Registered Merit Reporter

A. WILLIAM ROBERTS, JR. & ASSOCIATES

Fast, Accurate & Friendly

| | | |
|----------------|-----------------|------------------|
| Charleston, SC | Hilton Head, SC | Myrtle Beach, SC |
| (843) 722-8414 | (843) 785-3263 | (843) 839-3376 |

| | | |
|----------------|----------------|----------------|
| Columbia, SC | Greenville, SC | Charlotte, NC |
| (803) 731-5224 | (864) 234-7030 | (704) 573-3919 |

Clark, Christine v
Bridges, Brian K., et al

Robert Wilkie
July 31, 2015

| | |
|--|---|
| <p style="text-align: right;">Page 18</p> <p>1 A. Affidavit.</p> <p>2 Q. Okay, affidavit. Anything else?</p> <p>3 A. Judge's signature.</p> <p>4 Q. Judge's signature. Anything else?</p> <p>5 A. I'm not sure exactly what you're asking.</p> <p>6 Q. As you understand it, does the judge's</p> <p>7 warrant need to tell you what it is that you need to</p> <p>8 seize?</p> <p>9 A. You would need a description of the</p> <p>10 property sought.</p> <p>11 Q. And if the description of the property,</p> <p>12 say, were blank, would you understand that warrant</p> <p>13 to be valid or not?</p> <p>14 A. If it was blank?</p> <p>15 Q. Uh-huh.</p> <p>16 A. No.</p> <p>17 Q. No, it wouldn't be valid, as far as you</p> <p>18 understand it?</p> <p>19 A. I wouldn't think so. Like I said, I'm not</p> <p>20 an attorney or a magistrate.</p> <p>21 Q. What is your understanding as to when law</p> <p>22 enforcement may arrest someone at their home without</p> <p>23 an arrest warrant?</p> <p>24 A. When probable cause exists for the arrest.</p> <p>25 If there are exigent circumstances.</p> | <p style="text-align: right;">Page 19</p> <p>1 Q. Anything else?</p> <p>2 A. If the crime occurred in the presence of</p> <p>3 the officer.</p> <p>4 Q. Anything else?</p> <p>5 A. No.</p> <p>6 MR. HARTER: Object to the form.</p> <p>7 You can answer.</p> <p>8 Q. When you say "exigent circumstances," what</p> <p>9 do you mean?</p> <p>10 A. If there was a possibility that the suspect</p> <p>11 could flee or destroy evidence.</p> <p>12 Q. Anything else?</p> <p>13 MR. HARTER: Object to the form.</p> <p>14 You can answer.</p> <p>15 A. No.</p> <p>16 Q. As you understand it, does it matter</p> <p>17 whether the crime is a felony or misdemeanor?</p> <p>18 A. It could.</p> <p>19 Q. In what way?</p> <p>20 A. It would be my understanding that, if it</p> <p>21 was a felony -- it would be my understanding, if it</p> <p>22 was a felony or a misdemeanor, and the crime</p> <p>23 occurred in the presence of the officer, then that</p> <p>24 officer could make an arrest without an arrest</p> <p>25 warrant.</p> |
| <p style="text-align: right;">Page 20</p> <p>1 Q. So it doesn't matter whether it is a felony</p> <p>2 or a misdemeanor, right?</p> <p>3 A. Not necessarily.</p> <p>4 Q. Does it matter as to your ability to arrest</p> <p>5 someone whether someone is at their home or out on</p> <p>6 the street, or does the location not matter?</p> <p>7 A. It could.</p> <p>8 Q. In what way?</p> <p>9 A. If someone was in their home and they</p> <p>10 wouldn't come out of the home, you would possibly</p> <p>11 have to have a search warrant to enter the home.</p> <p>12 Q. Any other way?</p> <p>13 MR. HARTER: Object to form.</p> <p>14 You can answer.</p> <p>15 A. No.</p> <p>16 Q. I would now like to direct your attention</p> <p>17 to the investigation in August 2011 into some stolen</p> <p>18 tools and a lawnmower. Were you part of that</p> <p>19 investigation?</p> <p>20 A. Yes.</p> <p>21 Q. How did you come to be a part of that</p> <p>22 investigation?</p> <p>23 A. I was called by Justin Moody. He presented</p> <p>24 some facts and information to me in an attempt for</p> <p>25 me to present these facts to a magistrate to get a</p> | <p style="text-align: right;">Page 21</p> <p>1 search warrant for a residence.</p> <p>2 Q. Were you present at the home of Mr. Smith,</p> <p>3 who was the fellow that was trying to, I guess, flee</p> <p>4 from law enforcement on a stolen four-wheeler?</p> <p>5 A. I think I went to that location briefly.</p> <p>6 And if I remember correctly, I had to -- for</p> <p>7 whatever reason, I had to leave shortly after I</p> <p>8 arrived.</p> <p>9 Q. I'm sorry?</p> <p>10 A. I was just saying, I had to leave shortly</p> <p>11 after I arrived and go back to Laurens, to our</p> <p>12 office.</p> <p>13 Q. So did you have any communications with</p> <p>14 Mr. Smith that you can recall?</p> <p>15 A. No.</p> <p>16 Q. Do you recall why you had to go back to</p> <p>17 Laurens?</p> <p>18 A. No.</p> <p>19 Q. After you went back to Laurens, did there</p> <p>20 come a time when you went to Miss Clark's home on</p> <p>21 Hilley Drive?</p> <p>22 A. Yes.</p> <p>23 Q. Did you go there before you got the search</p> <p>24 warrant or after you got the search warrant?</p> <p>25 A. After.</p> |



Clark, Christine v
Bridges, Brian K., et al

Robert Wilkie
July 31, 2015

| | |
|---|--|
| <p style="text-align: right;">Page 22</p> <p>1 Q. So you're back in your office when Mr. 2 Moody gives you a call. Right? 3 A. I was in Laurens, correct. 4 Q. You were in Laurens when Mr. Moody gives 5 you a call. What does he tell you on the phone? 6 A. He received information that a stolen -- 7 I'm going to call it "a mower," for lack of better 8 terms, was supposedly located at this particular 9 address on Hilley Drive. 10 Mr. Moody and other officers went to that 11 location. It's my understanding, when walking 12 around to the rear of the residence in an attempt to 13 locate someone at home, they observed this machine 14 in plain view at the residence. 15 He called, wanting me to present this 16 information to a magistrate to see if we could get a 17 search warrant for the residence, because it was his 18 understanding from the Abbeville investigators 19 during the theft of this machine that other items 20 were stolen. 21 Q. And did he tell you what those other items 22 might have been? 23 A. There were some tools, loose, I guess, like 24 hand tools. It seems like there was an air 25 compressor of some kind. And maybe a -- some kind</p> | <p style="text-align: right;">Page 23</p> <p>1 of tool bag. 2 Q. That's what he told you over the phone? 3 A. Correct. 4 Q. All right. What did you tell him in that 5 phone call? 6 A. I would take this information and present 7 it to the magistrate. 8 Q. So after you got the phone call, what did 9 you do? 10 A. I typed out a search warrant. I took a 11 search warrant to the magistrate and presented it to 12 the magistrate. 13 Q. All right. I'm going to show you what's 14 marked as Plaintiff's Exhibit B. 15 I ask you: Is this the search warrant that 16 you typed up and submitted to the magistrate? 17 A. It is. 18 Q. Okay. And on the front of the search 19 warrant, it says that it was prepared at 4:52. Does 20 that sound right to you? 21 A. Yes, sir. 22 Q. When you went to the magistrate's office, 23 where was the magistrate physically located, do you 24 remember? 25 A. In his office.</p> |
| <p style="text-align: right;">Page 24</p> <p>1 Q. Where is that? 2 A. The Laurens County Courthouse. 3 Q. Okay. And when you went to the magistrate 4 and you presented him the warrant, what happened? 5 A. He found that probable cause existed for a 6 search of the property, and he signed the search 7 warrant. 8 Q. Do you recall him having any questions for 9 you? 10 A. I don't recall any particular questions he 11 had, no. 12 Q. Here on the second page, it looks like that 13 he wrote that he signed it at about 5:05 p.m. Does 14 that sound right to you? 15 A. Yes. 16 Q. Now, I'd like to direct your attention to 17 the description of the property that you typed up. 18 And I will ask you to read that first, to yourself. 19 A. Out loud? 20 Q. Just to yourself. 21 A. Okay. 22 Q. All right? 23 A. All right. 24 Q. You told me before that Mr. Moody, over the 25 phone, had told you that they were looking for a</p> | <p style="text-align: right;">Page 25</p> <p>1 stolen air compressor and some other tools, is that 2 right? 3 A. Other tools, correct. 4 Q. And a bag, maybe? 5 Does that sound right? 6 A. Correct. 7 Q. Is there a reason why, in the description 8 of the property that you typed up, that you did not 9 write that it was an air compressor and a bag? 10 A. At that time when he called me, he was 11 working in coordination with the Abbeville County 12 investigators. And I -- like I said, he explained 13 to me that there were other items taken during that 14 theft. I can't say for sure that he specifically 15 spelled out those particular items before I typed 16 the search warrant up. 17 Q. Okay. So if he had specified them, would 18 you have written them down, or would it just depend? 19 A. Possibly. 20 Q. What might it depend on? 21 A. If he had given me a positive description 22 of each individual item, then, yes, I probably would 23 have written it down. At this particular time, I 24 wrote down what information and what facts he gave 25 me.</p> |



Clark, Christine v
Bridges, Brian K., et al

Robert Wilkie
July 31, 2015

| | |
|--|---|
| <p style="text-align: right;">Page 38</p> <p>1 house and needing to get a change of clothes?</p> <p>2 A. It seems like they may have, but I really</p> <p>3 don't remember.</p> <p>4 Q. After you completed the search, what did</p> <p>5 you do next?</p> <p>6 A. After the search was complete, I left.</p> <p>7 Q. So you didn't find any of the tools that</p> <p>8 y'all were looking for?</p> <p>9 A. That would be a question that would need to</p> <p>10 be directed towards the Abbeville County</p> <p>11 investigators.</p> <p>12 Q. Do you recall taking any tools with you</p> <p>13 when you left?</p> <p>14 A. Not that I recall, me, personally.</p> <p>15 Q. The lawnmower was the only item named in</p> <p>16 the search warrant that y'all actually found on the</p> <p>17 premises, is that right?</p> <p>18 MR. HARTER: Object to the form.</p> <p>19 He can answer.</p> <p>20 A. I know that item was there.</p> <p>21 Q. You don't remember anything else that y'all</p> <p>22 took besides the marijuana and these guns?</p> <p>23 A. I don't remember, no.</p> <p>24 Q. Okay. Did you have a post-search</p> <p>25 debriefing about the next steps in the investigation</p> | <p style="text-align: right;">Page 39</p> <p>1 into these stolen tools?</p> <p>2 A. Not that I took part in.</p> <p>3 Q. At some point, were the charges against</p> <p>4 Miss Clark, dismissed?</p> <p>5 A. It is my understanding that the charges</p> <p>6 against her were not pressed.</p> <p>7 Q. And when they were not pressed, were you</p> <p>8 contacted by anyone at the solicitor's office to get</p> <p>9 your input on that, or did they just do that</p> <p>10 themselves?</p> <p>11 A. No, I wasn't the arresting officer.</p> <p>12 Q. Would you have expected that the</p> <p>13 solicitor's office would have contacted the</p> <p>14 arresting officer before not pressing charges?</p> <p>15 MR. HARTER: Object to the form.</p> <p>16 You can answer.</p> <p>17 A. That's up to their discretion.</p> <p>18 Q. Is it their normal practice in Laurens</p> <p>19 County?</p> <p>20 A. Sometimes they do, sometimes they don't.</p> <p>21 Q. Is it fair to say that you were the person</p> <p>22 who was primarily responsible for determining which</p> <p>23 drawers in the house got opened?</p> <p>24 A. I wouldn't say I was primarily responsible</p> <p>25 for that. I'm sure I opened some drawers and</p> |
| <p style="text-align: right;">Page 40</p> <p>1 searched, though.</p> <p>2 Q. Was there anyone who was primarily</p> <p>3 responsible for deciding where law enforcement</p> <p>4 needed to look for these tools?</p> <p>5 A. I wouldn't say any one particular person</p> <p>6 was responsible. Everybody just worked together and</p> <p>7 searched an area.</p> <p>8 Q. And so did y'all divide up the house, so</p> <p>9 you take one room and somebody else took another</p> <p>10 room? How did it work?</p> <p>11 A. Yeah. I mean, I would search a room.</p> <p>12 Someone could possibly come behind me and search</p> <p>13 again, just to cover the bases and make sure we</p> <p>14 didn't miss anything. The investigators were going</p> <p>15 throughout the house, searching.</p> <p>16 Q. Who else do you recall opening up drawers</p> <p>17 in the house?</p> <p>18 A. I can't name any one particular officer</p> <p>19 that opened a drawer. I'm sure officers opened</p> <p>20 drawers, but I can't name one.</p> <p>21 Q. Do you remember Officer Moody searching for</p> <p>22 other tools in the house?</p> <p>23 A. He was in the residence, searching, yes.</p> <p>24 Q. Do you remember Lieutenant Bridges</p> <p>25 searching for the tools in the house?</p> | <p style="text-align: right;">Page 41</p> <p>1 A. Yes.</p> <p>2 Q. Do you remember Mr. Scott searching for</p> <p>3 tools inside the house?</p> <p>4 A. I believe he was in the house, yes.</p> <p>5 Q. And he was in the house. Was he searching</p> <p>6 for tools?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember Mr. Abernathy searching for</p> <p>9 tools inside the house?</p> <p>10 A. I believe he was.</p> <p>11 Q. Do you think that there was anything wrong</p> <p>12 with the search warrant that you obtained?</p> <p>13 A. No.</p> <p>14 Q. Do you think that you should have done</p> <p>15 anything differently for the search?</p> <p>16 A. No.</p> <p>17 Q. So as far as you're concerned, everything</p> <p>18 that happened while you were there was by the book?</p> <p>19 A. Yes.</p> <p>20 MR. HARTER: I'll object to the form of the</p> <p>21 question, but go ahead.</p> <p>22 Q. Do you recall Sergeant Moody taking any</p> <p>23 pictures of Miss Clark?</p> <p>24 A. No.</p> <p>25 Q. Did anyone ever tell you that he had taken</p> |

Clark, Christine v
Bridges, Brian K., et al

Robert Wilkie
July 31, 2015

Page 42

1 pictures of Miss Clark?

2 A. No.

3 MR. ANDERSON: No further questions.

4 EXAMINATION

5 BY MR. HARTER:

6 Q. Robert, let me ask you about one thing.

7 We'll look at Exhibit B, which is the search

8 warrant.

9 Over on the section that is entitled

10 "Affidavit," do you see that?

11 A. Yes.

12 Q. You see there is a description. It says:

13 Reasons for affiant's belief the property sought is

14 on the subject premises.

15 Do you see that?

16 A. Yes.

17 Q. And you provided this information to the

18 magistrate, is that correct --

19 A. Yes.

20 Q. -- to obtain the search warrant?

21 A. Yes.

22 Q. Is it the magistrate's prerogative and

23 decision as to whether or not to issue the search

24 warrant or not?

25 A. Correct.

Page 44

1 Q. And did the search warrant also indicate

2 that it was believed that other items might be

3 located on or about the premises?

4 A. Yes, sir.

5 Q. And those other items were the items that

6 you referred to as tools, is that right, that

7 Abbeville County had reported stolen?

8 A. Yes, sir.

9 Q. Did those items include tools, as well as a

10 bag, as well as a D-ring?

11 A. Yes, sir.

12 Q. When the search of the Hilley Drive

13 residence was done, it was done pursuant to a search

14 warrant, correct?

15 A. Correct.

16 Q. And on behalf of the authorization of the

17 search by the judge, correct?

18 A. Correct.

19 Q. And with regard to that search, the items

20 that were being looked for would have been tools, a

21 bag, and/or a D-ring that was stolen in Abbeville,

22 correct?

23 A. Correct.

24 MR. HARTER: Thank you.

25 MR. ANDERSON: One follow-up question.

Page 43

1 Q. A magistrate can ask you to change the

2 wording of the search warrant, tell you you can

3 search or you can't search, is that right?

4 A. Correct.

5 Q. The magistrate can tell you, yes, I'll

6 allow that search, or I won't allow that search,

7 right?

8 A. Correct.

9 Q. And this search warrant ultimately was

10 issued by a Laurens County magistrate, right?

11 A. Yes, sir.

12 Q. And there was a search warrant that was

13 issued by the magistrate before the residence at

14 Hilley Drive was searched, correct?

15 A. Yes, sir.

16 Q. And in the affidavit that you provided to

17 the magistrate, am I correct that the affidavit

18 spells out that law enforcement was on the premises

19 and discovered in plain view a mower which had been

20 stolen from Abbeville County?

21 A. Yes.

22 Q. And did the affidavit also say that there

23 were other items stolen from the incident location

24 when the mower was stolen in Abbeville County?

25 A. Yes, sir.

Page 45

1 FURTHER EXAMINATION

2 BY MR. ANDERSON:

3 Q. About how long did it take you to go from

4 the magistrate's office to Hilley Drive?

5 A. I don't remember.

6 Q. Do you think that it's, like, ten minutes

7 or 30 minutes?

8 A. Probably closer to 20 to 30 minutes, maybe.

9 I'm just guessing.

10 MR. ANDERSON: Thank you.

11 MR. HARTER: Okay.

12 (The deposition concluded at 2:25 p.m.)

13 (The witness reserved his right to read and

14 sign the deposition.)

15

16

17

18

19

20

21

22

23

24

25

